

Court of Appeals, State of Michigan

ORDER

Thomas Cromwell v West Branch Regional Medical Center

Docket No. 279755

LC No. 06-655784-NH

Pat M. Donofrio
Presiding Judge

Henry William Saad

Deborah A. Servitto
Judges

In lieu of granting the application for leave to appeal, this Court orders pursuant to MCR 7.205(D)(2) that the July 16, 2007 order prohibiting Dr. Andrew L. Tievsky from offering at trial standard of care testimony as to defendant Dr. Matthew Waack and dismissing plaintiff's claims based on the actions of Dr. Waack and defendant Diagnostic Imaging of West Branch, P.C., is REVERSED. Drs. Waack and Tievsky are both radiologists. At the time of the alleged malpractice, Dr. Waack, by interpreting and reading brain MRIs and/or MRAs was practicing the specialty of neuroradiology, and because Dr. Tievsky is a specialist in neuroradiology, he can be qualified to testify as a matching expert under MCL 600.2169(1)(a). See *Woodard v Custer*, 476 Mich 545; 719 NW2d 842 (2006); *Reeves v Carson City Hosp (On Remand)*, 274 Mich App 622; ___ NW2d ___ (2007); *Gonzalez v St John Hosp & Med Center*, ___ Mich App ___; ___ NW2d ___ (2007).

This Court retains no further jurisdiction.

Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 13 2007

Date

Sandra Schultz Mengel
Chief Clerk